IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.
Civil Application No.6044/2001 in
LPA St. No. 17016/2001 in
Writ Petition No.467/2001
(Ramchandra Sakharam Mahajan .vs. Rajendra Shrikrishna Deshmukh and ors.)

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.

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Mr. A.V. Palshikar, Advocate holding for Mr. A.S. Jaiswal, Advocate for the Applicant.
Mr. V.B. Palorkar, Advocate for Respondent no.1. Mr. S.J. Jichakar, AGP for Respondent no.8.

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CORAM : K.J. ROHEE, &
R.C. CHAVAN, JJ
DATED : DECEMBER 11, 2007

1. Heard the counsel for the parties.

2. Respondent no.2 Mahadeo Sakharam Mahajan who wa the s real brother of appellant Ramchandra Sakharam Mahajan died on 1.2.2002. The applications for setting aside the abatement, for condonation of delay in moving that application and for bring L.Rs. of deceased

respondent no.2 on record were filed on 22.3.2006 i.e. four years after the death of respondent no.2 Mahadeo. As stated earlier it may be noted that the appellant is the real brother of deceased respondent no.2 Mahadeo and they were residing in the same area. Thus it cannot be said that the appellant was not aware of the death of his own brother. The reason put forth by the appellant for condoning the delay is not sufficient. The application for condonation of delay in setting aside abatement as well as all other applications are, therefore, dismissed.

JUDGE **JUDGE**

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